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Attorneys for ROE CL Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

This Document Relates to:

*Jane Roe CL 146 v. Uber Technologies, Inc.,
et al., No. 3:25-cv-03719-CRB*

**PLAINTIFFS' MEMORANDUM IN
RESPONSE TO JUDGE'S ORDER
REGARDING MOTION TO DISMISS
DUPLICATIVE CASES**

I. INTRODUCTION

Counsel agrees that Plaintiffs should not have duplicately filed claims and that a process and mechanism to dismiss one of them, by first allowing both parties to discuss and determine which case will proceed, is an appropriate consideration. Counsel strongly disagrees with Uber's assessment and characterization that Plaintiff has disregarded reasonable solutions by thereby trying to maintain both actions.

Once on notice of the duplicative claim, Counsel immediately reached out to the other firm, successfully determined the other firm would move forward with their case, then confirmed that they would notify Defendant of the decision. Upon learning they had not, Counsel promptly reached out to Defendants, drafted and prepared a Stipulation to Dismiss for their review which

1 included an agreement for both parties to bear their own fees and costs incurred in the case, and
2 filed the Stipulation. Counsel actively worked to resolve this duplicative matter and should
3 therefore not be required to pay Defendants fees and costs for this Motion.

4 II. ARGUMENT

5 Counsel first learned Jane Roe CL 146 was also represented and filed by another law firm
6 on August 21, 2025. (Domer Decl. ¶ 3). On August 22, 2025, Counsel successfully spoke to the
7 other firm, resolved that they would continue with their filed claim,, and agreed that they would
8 notify Defendants that their claim would be moving forward. (Domer Decl. ¶ 4). This
9 conversation was followed up with an email immediately after the call, confirming that once the
10 Defendants were put on notice, we would then file a dismissal for our claim. (Domer Decl. ¶ 4).

11 Counsel did not hear back from the other firm, and followed up with an email on
12 September 23, 2025, asking if they had reached out to Defendants, notifying them of their
13 continuation and our dismissal. (Domer Decl. ¶ 5). Counsel did not hear back from them and was
14 then put on notice by Defendants through their Motion filed on October 15, 2025, that Defendants
15 did not know of our agreement with the other firm for their case to continue. (Doc. 4145).

16 Counsel then reached back out to the other firm on October 15, 2025, notifying them that
17 our case was listed on this Motion to Dismiss, and asked again if they had notified Defendants.
18 (Domer Decl. ¶ 7). They responded the same day indicating that they were not certain if they had
19 and would need to verify. *Id.* Once it was confirmed that Defendants were not notified by the
20 other firm, Counsel reached out to Defendants, the same day, on October 15, 2025, letting them
21 know that our filed claim would not be moving forward, and asked if they would Stipulate to the
22 Dismissal. (Domer Decl. ¶ 8).

23 Defendants replied back to me on October 16, 2025, agreeing, and asked Counsel to send
24 over a Stipulation to review. (Domer Decl. ¶ 9). The Stipulation was reviewed and approved by
25 Defendants and then filed by Counsel the same day. (Doc. 4163). The filed Stipulation also
26 indicates that “each party [is] to bear their own costs and attorney fees.” *Id.*

27 Upon review and reflection, it would have been prudent for Counsel to respond in an
28 Opposition Reply to the Motion, notifying the Court that both Plaintiff and Defendants had

1 worked out the issue, stipulated dismissal, and thereby agreed to bear their own costs for this
 2 particular case. To that end, Counsel respectively regrets wasting any court resources by not
 3 clearly providing this information prior to the Order from December 2, 2025.

4 However, given that Counsel has demonstrated extensive efforts to resolve the duplicately
 5 filed claim, Counsel respectively requests that Plaintiff not be required to then pay Defendants'
 6 fees and costs, especially after having agreed to a Stipulation with Defendants for dismissal, that
 7 included their agreement to each bear our own costs post-filing of their Motion.

8 **III. CONCLUSION**

9 Based on the description of Counsel's efforts to resolve, in addition to the Stipulation with
 10 Defendants to bear our own fees and costs, Counsel respectfully request that Plaintiff not be
 11 required to pay Defendants' fees and costs for this Motion.

12
 13 Dated: December 17, 2025

CUTTER LAW P.C.

14 By: /s/ Jennifer S. Domer

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22 *Attorneys for ROE CL Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that, on December 17, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: December 17, 2025

CUTTER LAW P.C.

By: /s/ Jennifer S. Domer

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